UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMAR NESBIT,	Civil Action No. 10-6028 (DLC)
Plaintiff,	
-against-	
NATIONAL FOOTBALL LEAGUE, JOHN LOMBARDO, M.D., and ADOLPHO BIRCH,	
Defendants.	

DEFENDANTS' NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that, pursuant to Federal Rule of Civil Procedure 12(b)(6) and the Labor Management Relations Act ("LMRA"), 29 U.S.C. § 185(a), upon the accompanying memorandum of law, the Declaration of Daniel L. Nash and the exhibits thereto, and any prior submissions and proceedings in this matter, and any other submissions as shall be made in support of this motion, defendants The National Football League, John Lombardo, M.D., and Adolpho Birch, by and through their undersigned counsel, Akin Gump Strauss Hauer & Feld LLP, will move this Court before the Honorable Denise L. Cote at the United States District Court for the Southern District of New York, located at 500 Pearl Street, New York, New York 10007 as soon as the Court may direct for an order dismissing this action.

This motion is made on the ground that the issues presented in plaintiff's complaint are inextricably intertwined with, and require interpretation of, the National Football League Collective Bargaining Agreement and the collectively-bargained National Football League Policy on Anabolic Steroids and Related Substances and are therefore completely preempted by the LMRA.

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Pursuant to the Court's Local Rules, plaintiff Jamar Nesbit shall serve his opposition to

this motion on or before September 21, 2010, and defendants shall serve their reply on or before

September 28, 2010.

Dated: September 7, 2010
         New York, New York

                                        Respectfully submitted,
                                        AKIN GUMP STRAUSS HAUER & FELD LLP

                                        _____/s/_____
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